

REMARKS

I. Status of the Application

Claims 13-25 are pending in this application. In the April 13, 2009 office action, the Examiner:

- A. Objected to Figures 1A and 1B as not being labeled "Prior Art;" and
- B. Rejected claims 13-25 under 35 U.S.C. §103(a) as being unpatentable over US Pub 2004/0264508 to Henkel et al ("Henkel").

In this response, applicants have amended Fig. 1A and 1B as required. The applicants have also amended claims 13, 19, 20, and 24.

II. Objection to the Drawings Is Now Moot

Figs. 1A and 1B were objected for not being labeled "prior art." In this response, Figs. 1A and 1B have been amended as required. Accordingly, the objection to Figs. 1A and 1B for not being labeled "prior art" is now moot and should be withdrawn.

III. Obviousness Rejection of Claims 13-25

Claims 13-25 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Henkel. In this response, claims 13 and 25 have been amended to more distinctly claim the respective inventions. Henkel fails to disclose or suggest each and every limitation of claims 13-25, as amended. Accordingly, applicants respectfully submit that the obviousness rejection of claims 13-15 over Henkel should be withdrawn.

A. Claim 13

Claim 13 was rejected as being obvious over Henkel. Claim 13, however, has been amended to clarify that the data symbol checked by the analysis and evaluation circuit is a non-oversampled data symbol filtered by the model filter and to be transmitted, and that the subtracting device subtracts the correction function from the non-oversampled data symbol to be transmitted. As explained below, Henkel fails to disclose or suggest such limitations.

In the office action, the Examiner cited Henkel as disclosing all of the limitations of claim 13 except for a non-flat PSD power spectrum, and that it would have been obvious to modify Henkel to include the non-flat PSD power spectrum. Applicants submit, however, that Henkel fails to disclose or suggest the use of non-oversampled data symbols that are filtered by the model filter and that a subtracting device subtracts the correction function from the non-oversampled data symbols.

Henkel is directed to the transmitting of data by multi-carrier modulation by utilizing peak-to-average (PAR) reduction. For the peak reduction according to Henkel, one of L time-domain vectors with a desired peak location is selected in the oversampled domain, and, in parallel, the same selection and updating operation is performed with the corresponding time-domain vectors before oversampling. (See Henkel, page 31-2, right column, lines 13-18).

However, the passages cited by the Examiner concerning the model path and, in particular, the model filter and the analysis and evaluation circuit comprised in the model path, refer to the oversampled domain, and not the non-oversampled domain. In the cited passages of Henkel, an oversampled signal oversampled in block “ $\uparrow L$ ” is processed. Conversely, according to claim 13, as amended, the data symbol filtered by the model filter, checked by the

analysis and evaluation circuit, and handled by the subtracting device is a non-oversampled data symbol.

Further, according to claim 13, as amended, the model filter (element 12) and the analysis and evaluation circuit (element 13) are two separate components, wherein the analysis and evaluation circuit is arranged such that it follows the model filter and that it performs the claimed checking with regard to the non-oversampled data symbol filtered by the model filter. The passages of Henkel cited by the Examiner as referring to the model filter and the analysis and evaluation circuit refer in both cases to the same elements α and P(1).

Henkel teaches a handling of data symbols and a structure for handling data symbols that is entirely different from the handling of data symbols and the structure for handling data symbols as described by amended claim 13. Thus, Henkel is directed to an entirely different methodology than the present invention.

Because Henkel does not disclose that the data symbol checked by the analysis and evaluation circuit is a non-oversampled data symbol filtered by the model filter and to be transmitted, and that the subtracting device subtracts the correction function from the non-oversampled data symbol to be transmitted, Henkel fails to disclose or suggest each and every element of amended claim 13. In addition, because Henkel is directed to a different methodology for solving a different problem than the present invention, it is respectfully submitted that a person of ordinary skill in the art would not be led to the present invention by referring to Henkel. Accordingly, applicants respectfully request that the obviousness rejection of claim 13 be withdrawn.

B. Claims 19, 20, and 24

Claims 19, 20, and 24 were also rejected as being obvious over Henkel. Claims 19, 20, and 24 have each include and have been amended to include limitations similar to those found in amended claim 13. For example, each of claims 19, 20, and 24 have been amended to clarify that the data symbol checked by the analysis and evaluation circuit is a non-oversampled data symbol filtered by the model filter and to be transmitted, and that the subtracting device subtracts the correction function from the non-oversampled data symbol to be transmitted. As mentioned above, Henkel fails to disclose or suggest such limitations. Accordingly, for at least the same reasons as given above for the patentability of amended claim 13, it is respectfully submitted that the obviousness rejection of claims 19, 20, and 24, as amended, should be withdrawn.

C. Claims 14-18, 21-23, and 25

Claims 14-18, 21-23, and 25 each depend directly or indirectly from and incorporate all of the limitations of their respective base claims, 13, 20, and 24. Accordingly, for at least the same reasons as given above for the patentability of claims 13, 20, and 24, it is respectfully submitted that the obviousness rejection of claims 14-18, 21-23, and 25 should be withdrawn as well.

IV. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

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